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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/636,104   | 08/07/2003  | Surapol Kunanantakul | MBI-PT007           | 9141             |
| 3624   | 7590        | 06/16/2004           | EXAMINER            |                  |
| VOLPE AND KOENIG, P.C.<br>UNITED PLAZA, SUITE 1600<br>30 SOUTH 17TH STREET<br>PHILADELPHIA, PA 19103 |             |                      | EDELL, JOSEPH F     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3636                |                  |

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/636,104

Applicant(s)

KUNANANTAKUL, SURAPOL

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the front flange must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 28', 31', 32', 33', 34', and 35'. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 2, 5, 9, and 10 are objected to because of the following informalities:
- a. claim 2, line 2, "the top panel" should read "a top panel";
  - b. claim 5, line 3, "the inner bottom rail" should read "an inner bottom rail";
  - c. claim 9, line 2, "the top and bottom" should read "a top and bottom";

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- d. claim 10, lines 1-2, "bottom panel, left panel, right panel, back panel, left door, right door, shelves, and kickplates" should read " a bottom panel, a left panel, a right panel, a back panel, a left door, a right door, shelves, and kickplates;
- e. claim 10, line 4, "the corner" should read "a corner".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 5. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "a flange that absorbs the upper weight of the bottom panel" is unclear rendering the scope of the claim indefinite. If the flange is part of the bottom panel, how does the flange absorb the upper weight of the bottom panel?

Regarding claims 1 and 4, "a bottom panel" is recited in claim 1, line 2 and "a bottom panel" is recited claim 4, line 1. It is unclear whether the two limitations define the same structural element or define separate structural elements.

Claim 6 recites the limitation "the left and right back panel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,478,391 B1 to Stoever.

Stoever discloses a cupboard that includes all the limitations recited in claims 1-4, as best understood. Stoever shows a cupboard having a back panel 105 (Fig. 2) made in two parts, a bottom panel 12b (Fig. 2) with flanges, left and right side panels 60a,60b (Fig. 3) with front corners and back corners, and an inner kickplate 278 (Fig. 9) with two pre-punched holes 284a,284b (Fig. 9) on each side.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoever as applied to claims 1-4, as best understood above.

Stoevers discloses a cupboard that is basically the same as that recited in the claims 5-7, as best understood, except that the guides are not plastic, as recited in the claims. See Figures 1-9 of Stoevers for the teaching that the kickplates have an outer kickplate 212 (Fig. 9) attached to the inner kickplate by metal guides 386c, 386d (Fig. 9) going through holes 224a, 224b, 282a, 282b (Fig. 9) in outer and inner bottom rails, a slot (Fig. 3) in the top panel to hold the back, left side, and right side panels, and a plurality of shelves 180 (Fig. 3) attached using a plurality of shelf clips. Although the material of the plastic door guide is not specifically recited, modifying the material would have been obvious at the time of Applicant's invention because the use of preferred materials discovered by routine experimentation is ordinarily within the skill of the art. Further, it would have been an obvious matter of design choice to modify the material of the plastic door guide since the Applicant has not disclosed that having the specific material solves any stated problem or is for any particular purpose and it appears that the plastic door guide would perform equally well with an well known material used in the art.

10. Claims 8 and 9, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoevers as applied to claims 5-7, as best understood, above, and further in view of U.S. Patent No. 1,782,344 to Gourley et al.

Stoevers, as modified, discloses a cupboard that is basically the same as that recited in the claims 8 and 9, as best understood, except that the guides are not plastic, as recited in the claims. Gourley et al. show a cupboard similar to that of Stoevers wherein the left and right doors M (Fig. 1) includes a means for preventing one of the door from opening (Fig. 1), means for absorbing the impact of one of the doors 6 (Fig.

1), a swan handle (Fig. 7), and means for locking a top and bottom of one of the doors (Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the cupboard of Stoevers such that the left and right doors includes a means for preventing one of the doors from opening, means for absorbing the impact of one of the doors, a swan handle, and means for locking the top and bottom of one door, such as the cupboard disclosed in Stoevers. One would have been motivated to make such a modification in view of the suggestion in Gourley et al. that the cupboard configuration allows for a sturdy cupboard that may be lock and unlocked.

11. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,662,399 to Henkel et al. in view of U.S. Patent No. 5,250,752 to Cutright.

Henkel et al. disclose a cupboard that is basically the same as that recited in claims 10-12 except that the corners of the cupboard lacks L-bars and the doors lack top and bottom rails and means for locking the doors, as recited in the claims. See Figures 1-6 of Henkel et al. for the teaching that the cupboard has a top panel 18 (Fig. 1), a bottom panel 20 (Fig. 1), a left panel 14 (Fig. 1), a right panel 16 (Fig. 1), a back panel 30 (Fig. 1) that is constructed to unfold and connect to the side and back panels (see Fig. 4A), a left door (see column 5, lines 26-27), a right door (see column 5, lines 26-27), shelves 22 (Fig. 1), kickplates 24 (Fig. 1), and bolts 50 (Fig. 5) fixing the shelves to the cupboard. Cutright shows a cupboard similar to that of Henkel et al. wherein the cupboard has top, bottom, left, and right panels 14 (Fig. 1), L-bars 16 (Fig. 1) to

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strengthen the corners, bolts and screws 60,62,74,78 (Fig .3) assembling the panels, and a door 12 (Fig. 1) having top and bottom rails (see Fig. 1), a hinge pin 30 (Fig. 1), and means for locking the door (see Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cupboard of Henkel et al. such that the cupboard has an L-bar to strengthen a corner, top and bottom rails to reinforce the left and right door, components assembled with bolts and screws, a hinge pin on the door, and means for locking the doors, such as the cupboard disclosed in Cutright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cupboard with the reinforceable, lockable door and L-bars allows for a cupboard that provides EMI/RFI shielding and is readily assembled and disassembled.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to cupboards:

|   |   |
|---|---|
| U.S. Pat. No. 4,110,946 to Louther, Jr. | U.S. Pat. No. 4,288,132 to Znamirovski et al. |
| U.S. Pat. No. 4,712,844 to Fry          | U.S. Pat. No. 5,221,131 to Lesperance et al.  |
| GB Publ. No. 2 000 017 A to Sjördin     | EP Pat. No. 0 532 818 A1 to Rotelli           |



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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

2168



JE  
June 9, 2004



Peter M. Cuomo  
Supervisory Patent Examiner  
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